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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/553,850

10/20/2005

Anders Edvard Trell

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EXAMINER

EL-ZOOBI, MARIA

ART UNIT

PAPER NUMBER

2614

MAIL DATE

DELIVERY MODE

07/16/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/553,850

Applicant(s)

TRELL, ANDERS EDVARD

Examiner

MARIA EL-ZOOBI

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 20-28 and 30-43 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) ____ is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 3/19/2009 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SG/US)
Paper No(s)/Mail Date ____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 20-42 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 20 recites "which device can accept...", it is not clear to which device the applicant refers to.

Also claim 20 recite "i.e. provide access"; the phrase "for example" renders the claim indefinite because it is unclear whether the limitation(s) following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Claim 20 recites "grant or deny access", also recites "what action or access"; these limitations are not clear because, obviously there is two actions may be made by B grant or deny access "as recite in the claim 20, line 11, however, in the same claim the Applicant differ the action from the access.

Claim 23 recites "if appropriate", it is not clear "what is the appropriate condition in this case is"; and also when it is not appropriate to perform such actions by the replier and the device.

Claim 24 recites "a freely chosen code", it is not clear what the applicant means by "freely chosen".

Claim 25 recites "the final steps", it is not clear which step is the final step; the claims do not define a first or final step. None of the claims mention this "final step".

Claim 25 recites "the visitor places a mobile telephone", it is not clear to whom this mobile telephone belongs to, is it the visitor's? Is it someone else? Did the visitor found it? Is it a part of the entrance system?

Claim 25 also recites "for near communication with said device while maintaining a switched through connection to the B-replier thereby providing a two-way signaling line connection between the B-replier and said device per which line the B-replier can take up own communication with said device, further comprising, that information between said device and the B-replier is exchanged via thus established communication", this limitation is not clear, it is not clear what the applicant trying to claim, also the "established communication" is not clear to which "communication refers to. This claim appears to be a literal translation into English from a foreign language.

Claim 27 recites "a device for communication and control of access utilizing the method of claim 24, which device is connectible with an allocated telephone number or address having a connection to a regular telephone or data network", this limitation is not clear, also this claim seems to be dependent from claim 24, in this case is the device in this limitation is different from the one claimed in 24? Furthermore, the limitation "which device" limitation is not clear.

Claim 32 recites "and thus indicating its caller-ID presenting effectuates access", this limitation is not clear.

Claim 33 recites "said B-replier even absent communication with a visitor, by making a

regular call to said device, effectuates access", this limitation is not clear and appears to be a literal translation into English from a foreign language.

Claim 35 recites "a B-replier by programming can bestow an occasional said authority on a telephone for said making a call and thus effecting access", it is not clear, is the B-replier in this claim different from the one claimed in 27? Also the second part of this limitation is not clear.

Claim 38 recites "wherein reading and temporary storing of the number of a visitor's telephone gives access to commencing part of a follow-up transaction" is not clear, is this visitor telephone is a different from the claimed on in claim 26, is it a new visitor? Furthermore, claim 20 seems to claim that the "device" read the b-replier caller ID. Claim 37 discloses, "a device for communication and control of access according to claim 31, further comprising," the limitation gives an impression that it is a new device. Please correct!

Claims have been examined as best understood by the examiner. Correction is required.

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claim 23 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which

was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claim 23 recites "if appropriate...", this "limitation does not appear to be disclosed in the specification, the specification discloses entering a code by the replier using a keypad, without any conditions on when the replier can/can't enter this code.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 20-21, 23, 25-34 and 35-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee (US 7, 065,196) in view of Martin (WO 00/35178).

Regarding claim 20, Lee discloses, a method for communication and control of access by means of an access accomplishing device which with allocated telephone number or address is connectible to a regular fixed landline or mobile telephone or data network (Col. 3, lines 14-20 and 37-47), which offers the service Caller-ID (Caller identification) and which device can accept incoming calls as well as Caller-ID information, decode and process (Col. 4, lines 4-28), the said method comprising the

steps of:

establishing contact with a "B-replier" by a person, "visitor", through using a communication means that is different from said device (Col. 3, lines 14-20, Fig. 1 and Col. 34-35) wherein said visitor requests access and said B-replier is an authorized person or a machine, other than said device, with authority to grant or deny access (Col. 3, lines 14-20, Fig. 1 and Col. 34-35)

dialing by said B-replier by means of a fixed or mobile telephone or data instrument over a connection to said telephone or data network and which does not have a "protected number" service activated by own choice and when wishing to perform an authorized service function, i.e. provide access, the telephone number or address of said device, thereby calling said device and indicating said B-replier's Caller-ID to said device (Col. 4, lines 4-48 and Col. 3, lines 14-20)

checking by said called device via said indicated Caller-ID the telephone number or address of said B-replier against programmed numbers or addresses in order to establish the authority of said B-replier and for what action or access said B-replier is authorized: and upon established authority, accomplishing by said device said action or access (Col. 4, lines 4-35).

Although Lee does not disclose that a visitor uses his/her communication device to contact the resident; it is well known in the art, that a visitor can contact a resident using his/her own communication mean.

Martin discloses a system to open a gate, wherein the person uses his own telephone /remote unit to contact the telephone unit that is in communication with a control unit

that grant/deny the access (Fig. 1 and pages 3-6).

Therefore, it would have been obvious to one with ordinary skill in the art to modify Lee with Martin in order to improve the system, yield more predictable results and increase the visitor convenient.

Regarding claim 21, Lee in view of Martin discloses, wherein said called device answers the call, thus enabling the said ID-validated B-replier to perform service function requests by inputting predetermined code sequences per DTMF or modem data signaling (see Martin: the permit code on pages 3-6 and Lee: the resident using their phone to unlock the door "which inherently means that the resident send a signal or enter a code to open the gate; Col. 3 and 4).

Regarding claim 23, Lee in view of Martin discloses, wherein said B-replier is a party authorized to enter or manage a building or an area to which a visitor wishes to gain access (Lee: Col. 3, lines 14-20) further comprising the steps of:

calling by said B-replier said device which performs control of the B-replier's authority by checking whether or not presented Caller-ID information is acceptable (Lee: Col. 4, lines 1-20) and, upon such acceptance, allows or effectuates performance of a predetermined action (Lee: Col. 4, lines 1-20)
if appropriate, inputting by said B-replier through a keypad or substitute a code;
and if appropriate, checking by said device said code which on acceptance as a correct code results in performance of a predetermined action (see Martin the permit code;

Page. 3-6, also see Lee: Col. 3, lines 33-67 through Col. 4, lines 1-5).

Regarding claim 25, Lee in view of Martin discloses, wherein the final step involve that the visitor places a mobile telephone against a "cradle" or other means for near communication with said device while maintaining a switched through connection to the B-replier thereby providing a two-way signaling line connection between the B-replier and said device per which line the B-replier can take up own communication with said device, further comprising, that information between said device and the B-replier is exchanged via thus established communication; and that after completed and approved step with transfer of information said device performs printout, dispensing or effectuation of ticket, document, goods or service requested by the visitor during the initial communication with the B-replier (Martin: the visitor places utilized mobile telephone against a "cradle" or other means Fig. 1, el. 1, transferring signal communication from the user to the influenceable unit Pg. 4, lines 22-27, Pg. 5, lines 10-16; the influenceable unit could be the door Fig. 1, el. 17 or the vending machine Fig. 1, el. 28 and establishing a two-way signaling connection between B-replier and influenceable unit (Pg. 6, lines 7-14; the replier reads on telephone unit Fig. 1, el. 12 and that after completed and approved step with transfer of information the influenceable unit performs printout/dispension of ticket/document/service/goods requested by the visitor during initial communication with the B-replier (Pg. 6, lines 7-16).

Regarding claim 26, Lee in view of Martin discloses, wherein said visitor's own-communication means is a mobile telephone (see Martin in claim 1 rejection).

Regarding claim 27, see claim 20 rejection; for "device" limitation, see Lee Fig. 1 and Martin Fig. 1.

Regarding claim 28, see claim 26.

Regarding claim 30, Lee in view of Martin discloses, said action comprises unlocking (see claim 20 rejection).

Regarding claim 31, Lee in view of Martin discloses, the device is being combined with at least one in/out-put means of a type selected from the group consisting of a code lock, a keypad, a card reader, a biometric reader, an IR reader or transponder, an RF reader or transponder, an audio part, a video part, a speech part, a modem, a computer interface, a (W)LAN port, an alarm and a direct line interface (see claim 24 rejection).

Regarding claim 32, Lee in view of Martin discloses, wherein a said mobile telephone, by making a direct regular call to said device and thus indicating its caller-ID presenting effectuates access (see claim 20 and 23 rejection).

Regarding claim 37, see claim 25 rejection.

Regarding claim 33, Lee in view of Martin discloses, wherein said B-replier even absent communication with a visitor, by making a regular call to said device, effectuates access (see Lee, Col. 4 and claim 1 rejection).

Regarding claim 34, Lee in view of Martin discloses, the device combined with or

integrated in at least one system of the type selected from the group consisting of an access control system, a telephone entry system, a door intercom system, an alarm control system, a surveillance system, a building management system (see Lee Fig. 1).

Regarding claim 36, Lee in view of Martin discloses, wherein several access points are handled by a single connection to a said regular telephone or data network (Lee discloses an access to a building, which has multiple apartment "reads on multiple access point").

Regarding claim 37, see claim 25 rejection.

Regarding claim 38, Lee in view of Martin discloses, wherein reading and temporary storing of the number of a visitor's telephone gives access to commencing part of a follow-up transaction (see Lee and Martin Pages 3-6; "a follow up transaction" could read on another request on the vending machine or the visitor actually enter the gate).

Regarding claim 39, Lee in view of Martin discloses, wherein said action is Unlocking (see claim 20 rejection)

Regarding claim 40, Lee in view of Martin discloses wherein one said predetermined action is unlocking (see claim 23 rejection).

Regarding claim 41, wherein said action comprises programming (Lee: when the user can program the numbers where the device can direct the call if the main number

is not answering or busy Col. 4).

Regarding claim 42, wherein said device can make a call (see claim 20 rejection).

7. Claims 22 rejected under 35 U.S.C. 103(a) as being unpatentable over Lee (US 7,065,196) in view of Martin (WO 00/35178) and further in view of Trell (US 5,046,083).

Regarding claim 22, Lee in view of Martin discloses, wherein said B-replier able of performing two actions (see claim 1 rejection).

Lee in view of Martin does not discloses that B-replier separately effectuates any of at least two different actions by varying the call-up time.

Trell discloses entrance communication system; wherein a tenant take different a actions based on the visitor's calling time (Col. 3, lines 27-40).

Therefore, it would have been obvious to one with ordinary skill in the art, at the time the invention was made to modify Lee in view of Martin with Trell in order to improve the system and yield more predictable results.

8. Claim 24 and 35 rejected under 35 U.S.C. 103(a) as being unpatentable over Lee (US 7,065,196) in view of Martin (WO 00/35178) and further in view of Trell (US 3,947,641).

Regarding claim 24, Lee in view of Martin discloses, wherein said B-replier performs input or activation of a freely chosen code in order to perform the access action, also Lee discloses a keypad , wherein the access code may be entered to gain the access (see claim 1 rejection and Col. 4, lines 40-67).

Lee in view of Martin does not disclose that entering the access during a predetermined period of time can be used as an activating code by an outside keypad for gaining access.

Trell discloses, a system that enable a visitor of contacting a tenant to gain a permission for access, wherein the replier programmed a code that the visitor has to use in a predetermined time in order to gain an access (Col. 6, lines 20-35; the limitation "during predetermined period of time "is met in Col. 5, lines 21-33; so the visitor has to use the code sequence during a predetermined time or the access will be denied).

Therefore, it would have been obvious to one with ordinary skill in the art, at the time the invention was made to modify Lee in view of Martin with Trell in order to improve the system and yield more predictable results.

Regarding Claim 35, lee in view of Martin discloses, wherein a B-replier by programming can bestow an occasional said authority on a telephone for said making a call and thus effecting access (see claim 20 rejection and 24).

9. Claim 43 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lee (US 7,065,196) in view of Martin (WO 00/35178) and further in view of Franz (US 20070229569).

Regarding claim 43, Lee in view of Martin discloses, communication between a said device and a calling party (see Lee Col. 4, lines 45-67). Lee in view of Martin does not teach the communication is completely or partially communicated as SMS, EMS or MMS.

Franz discloses intercom system where the communication to and/or from a user is completely or partially communicated as SMS and/or EMS/MMS (Paragraph 0031). Therefore, it would have been obvious to one with ordinary skill in the art, at the time the invention was made to modify Lee's system to include SMS service as suggested by Franz, in order to provide short message service to the user of the system, so the visitor can leave a short message for the replier in case he/she didn't find him/her.

Drawings

10. The drawings are objected to because, the drawings are not labeled "for example; the drawing contained a numbered boxing, Box number 1 should contain "B-replier", so to make it clear and understandable. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should

include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARIA EL-ZOOBI whose telephone number is (571)270-3434. The examiner can normally be reached on Monday-Friday (8AM-5 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on 571-272-7499. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/M. E./
Examiner, Art Unit 2614
/CURTIS KUNTZ/
Supervisory Patent Examiner, Art Unit 2614